

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF
GERSCHEFSKE

Confirmation No.: NOT ASSIGNED

Group Art Unit: NOT ASSIGNED

Appln. No.:

Examiner: NOT ASSIGNED

Filed: HERewith

Title: EXERCISE APPARATUS WITH RESILIENT FOOT SUPPORT

October 27, 2003

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PETITION TO MAKE SPECIAL

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.102 and the procedures set forth in MPEP § 708.02 (VIII), Applicant petitions to accord this application special status. The Petition fee under 37 C.F.R. § 1.17(h) of \$130.00 is authorized to be charged on the attached fee transmittal sheet. Should the Examiner find the claims are directed to multiple inventions, Applicant will make an election without traverse, preferably by telephone, at the Examiner's request.

A pre-examination search was made in the U.S. Patent and Trademark Office for the subject matter claimed in this application. The field of search included class 482, subclasses 26-29, 52, 53, 96, 121-127, 129, 130 and 142. The search also included a review of the Examiner's foreign art and literature in subclasses 27, 96, and 142 of class 482.

The most relevant references developed as a result of the search are listed in the table below for convenience, and also on the enclosed Form PTO-1449. In accordance with the Office's Image File Wrapper program and the waiver of the requirement to file U.S. patent references with Information Disclosure Statements, 1276 O.G. 55, copies of the references are not enclosed because all cited references are U.S. patents and patent applications. However,

copies of the references will be provided on request, if necessary. Applicant's detailed discussion of the references follows the listing of references.

| PATENT NO. | INVENTOR |
|-------------------|------------------|
| 4,477,070 | Appelbaum |
| 4,564,193 | Stewart |
| 4,706,953 | Graham |
| 4,836,530 | Stanley, Jr. |
| 4,884,802 | Graham |
| 4,911,438 | Van Straaten |
| 5,071,115 | Welch |
| 5,169,363 | Campanaro et al. |
| 5,215,511 | Cheng |
| 5,338,278 | Endelman |
| 5,364,327 | Graham |
| 5,445,583 | Habing |
| 5,622,527 | Watterson et al. |
| 5,634,870 | Wilkinson |
| 5,792,033 | Merrithew |
| 6,042,523 | Graham |
| 6,338,704 | Endelman |
| 6,371,895 | Endelman et al. |

COMMENTS ON THE REFERENCES

In general, none of the references cited in this petition, either alone or in combination, disclose or suggest the combination of a movable body support mounted on a frame assembly and a resiliently yielding foot support. Moreover, there is consequently no teaching or suggestion of an exercise method using an exerciser with a movable body support and a resiliently yielding foot support that provides the user with a bouncing movement. Comments on the individual references follow.

U.S. Patent No. 4,477,070

U.S. Patent No. 4,477,070 to Appelbaum discloses a conventional trampoline-type exercise apparatus. There is no disclosure or suggestion of a movable body support mounted on a frame assembly.

U.S. Patent No. 4,564,193

U.S. Patent No. 4,564,193 to Stewart discloses an exercising apparatus that comprises a relatively fixed upright structure that carries weights and a pulley system, and fixed bench and trampoline attachments that can be used in combination with the upright structure. There is no disclosure or suggestion of a movable bench used in combination with a resiliently yielding foot support.

U.S. Patent No. 4,706,953

U.S. Patent No. 4,706,953 to Graham discloses an apparatus in which a carriage is mounted for sliding movement on the two parallel tracks. A rope and pulley system is connected between the carriage and the frame that supports the tracks. The user's feet rest

against a fixed member mounted perpendicular to the tracks. There is no disclosure or suggestion of a resiliently yielding foot support in combination with a movable body support.

U.S. Patent No. 4,836,530

U.S. Patent No. 4,836,530 to Stanley, Jr. discloses a conventional trampoline-type exerciser in which hand rails have been included. There is no disclosure or suggestion of a movable body support in combination with a resiliently yielding foot support.

U.S. Patent No. 4,884,802

U.S. Patent No. 4,884,802 to Graham discloses another type of apparatus in which a carriage is mounted for sliding movement along two parallel tracks. A conventional foot bar extending perpendicular to the tracks is provided. There is no disclosure or suggestion of a movable foot rest in combination with a movable body support.

U.S. Patent No. 4,911,438

U.S. Patent No. 4,911,438 to Van Straaten discloses a conventional exerciser of the type in which two parallel tracks are supported at an angle and a carriage is mounted for sliding movement along the tracks. Two handles which extend outwardly from the tracks may be used as foot rests or hand rests for some exercises. The handles may also be used to move the apparatus. There is no disclosure or suggestion of a movable body support in combination with a resiliently yielding foot support.

U.S. Patent No. 5,071,115

U.S. Patent No. 5,071,115 to Welch discloses a stair climbing apparatus in which two independently movable foot pedals are connected to adjustable restricted orifice struts and

torsion springs for a damped resilient movement. There is no disclosure or suggestion of a resiliently yielding foot support in combination with a movable body support.

U.S. Patent No. 5,169,363

U.S. Patent No. 5,169,363 to Campanaro et al. discloses an apparatus in which two parallel tracks are supported along an incline. A carriage is movably mounted on the tracks. A foot rest is mounted on the tracks so as to extend perpendicular to them. The foot rest includes a wobble board that is mounted to the foot rest by means of a universal joint. The wobble board pivots along several axis when contacted by the user's feet. There is no disclosure or suggestion of a resiliently yielding foot support in combination with a movable body support.

U.S. Patent No. 5,215,511

U.S. Patent No. 5,215,511 to Cheng discloses an exercise apparatus in which a seat is connected by means of two fixed base members to individual foot petals that are resiliently biased by elastic connections. The seat includes a moveable back-massaging portion. The seat base on which the user is supported is fixed, in place and does not move. Thus, there is no disclosure or suggestion of a movable body support in combination with a resiliently yielding foot support.

U.S. Patent No. 5,338,278

U.S. Patent No. 5,338,278 to Endelman discloses an apparatus in which two generally parallel tracks are included as part of an elevated frame. A carriage is mounted on the tracks for sliding movement. A foot bar is mounted on the frame so as to be generally perpendicular to the tracks. In one embodiment, a weight may be attached to the foot bar. In another

embodiment, individual foot blocks are rotatably mounted to a cross piece that extends proximate to the foot bar. The foot blocks do not move or yield resiliently. There is no teaching or suggestion of a resiliently yielding foot support in combination with a movable body support.

U.S. Patent No. 5,364,327

U.S. Patent No. 5,364,327 to Graham discloses an exercise apparatus in which a carriage is mounted on two generally parallel tracks. A kickplate is adjustably mounted on the tracks so that it extends perpendicular to the tracks and may be operatively secured along the tracks in a number of positions. The kickplate does not resiliently yield. There is no teaching or disclosure of a resiliently yielding foot support in combination with a movable body support.

U.S. Patent No. 5,445,583

U.S. Patent 5,445,583 to Habing discloses an exercise apparatus having a movable back support and two pivotally movable foot pedals. During exercise, the user exerts himself against the two foot pedals to retain the back support at the same height so that the user is “floating” with respect to the apparatus. The “floating” movement is patentably distinct from the “bouncing” movement of the present claims, and the structures provided for achieving the different movements are also patentably distinct.

U.S. Patent No. 5,622,527

U.S. Patent 5,622,527 to Watterson et al. discloses a stepper apparatus with resiliently biased foot pedals that simulate a stair-climbing exercise. In one embodiment, the stepper

apparatus may be incorporated into a multi-position apparatus including separate weight lifting stations. There is no teaching or suggestion of a movable body support.

U.S. Patent No. 5,634,870

U.S. Patent No. 5,634,870 to Wilkinson discloses a resilient platform exercise device with an upstanding pole assembly that extends upward, generally perpendicular to the platform. There is no teaching or suggestion of a movable body support in combination with a resiliently yielding foot support.

U.S. Patent No. 5,792,033

U.S. Patent 5,792,033 to Merrithew discloses a conventional apparatus in which a carriage is mounted by means of wheels with sliding axles in tracks provided in two generally parallel rails. The apparatus includes a fixed, stationary foot board that extends perpendicularly from the tracks. There is no teaching or suggestion of a movable body support in combination with a resiliently yielding foot support.

U.S. Patent No. 6,042,523

U.S. Patent No. 6,042,523 to Graham discloses a therapeutic apparatus in which a foot contact board is movably mounted on two generally parallel rails, and is biased toward a particular position by tensioning cords. The apparatus does not provide a body support; instead, the user may sit or lie in a number of positions using supports external to the apparatus. There is no teaching or suggestion of a movable body support in combination with a resiliently yielding foot support.

U.S. Patent No. 6,338,704

U.S. Patent No. 6,338,704 to Endelman discloses an apparatus in which two generally parallel tracks are included as part of an elevated frame. A carriage is mounted on the tracks for sliding movement. A foot bar is mounted on the frame so as to be generally perpendicular to the tracks. The apparatus includes particular structure to retain the foot bar. There is no teaching or suggestion of a movable body support in combination with a resiliently yielding foot support.

U.S. Patent No. 6,371,895

U.S. Patent No. 6,371,895 to Endelman discloses an apparatus in which two generally parallel tracks are included as part of an elevated frame. A carriage is mounted on the tracks for sliding movement. A stationary foot bar is mounted on the frame so as to be generally perpendicular to the tracks. The foot bar is mounted so that it may be adjustably moved between several fixed angular positions. There is no teaching or suggestion of a movable body support in combination with a resiliently yielding foot support.

CONCLUSION


In addition to the above references, Applicant notes U.S. Patent No. 5,967,955, which is described with particularity on page 2 of Applicant's specification, and U.S. Patent No. 6,500,099 to Eschenbach, which discloses an apparatus with a fixed body support and resiliently yielding foot supports. Neither of those references includes any teaching or suggestion of a movable body support in combination with a resiliently yielding foot support.

Once the Examiner has reviewed and considered the above and the enclosed references, Applicants respectfully request that the Examiner initial the enclosed PTO-1449 in the spaces provided to indicate consideration of the references. Applicants also request that a copy of the PTO-1449 be returned along with the next Office communication.

Favorable treatment of this petition is respectfully requested. If any questions arise relating to this petition, the Examiner and other U.S.P.T.O. officials are invited to contact the undersigned to discuss those questions.

Respectfully submitted,

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